

Debra A. Silk  
Tony C. Koenig  
Kris Goss  
Montana School Boards Association  
863 Great Northern Blvd., Suite 301  
Helena, Montana 59601  
Telephone: (406) 442-2180  
Facsimile: (406) 442-2194

Attorneys for the Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

RONALD JACKSON, RUTH JACKSON, )  
ROBERT MANNING, PATRICIA ) Cause No. CV-13-65-GF-DLC-RKS  
McGESHICK, LAWRENCE WETSIT, )  
LANETTE M. CLARK, and BILL )  
WHITEHEAD, )

Plaintiffs, )

vs. )

**MOTION TO DISMISS**

)  
THE BOARD OF TRUSTEES OF WOLF )  
POINT, MONTANA, SCHOOL DISTRICT )  
NO. 45-45A; MARTIN DEWITT, )  
TRACEY JUVE-MIRANDA, GLENN )  
STRADER, JANICE WEMMER-KEGLEY, )  
JARONN BOYSUN, BRENT NYGARD )  
and ED BACH in their official capacities as )  
members of the Board of Trustees of Wolf )  
Point School District No. 45-45A; and )  
NAOMI ERICKSON, in her official )  
capacity as School District Clerk and )  
Election Administrator, )

Defendants. )  
)  
\_\_\_\_\_ )

COMES NOW, the above-named Defendants, by and through their counsel of record, and, pursuant to Fed. R. Civ. P. 12(b)(6), hereby move the Court to dismiss the Complaint in the above-entitled matter on the basis that Plaintiffs have failed to state a claim upon which relief can be granted. Counsel for the Plaintiffs has been contacted via e-mail to determine whether they object to the motion, but no response was received as of the time this motion was filed.

DATED this 4<sup>th</sup> day of October, 2013.

/s/ Tony C. Koenig  
Tony C. Koenig  
One of the attorneys for Defendants

### **CERTIFICATE OF SERVICE**

I hereby certify that, on the 4<sup>th</sup> day of October, 2013, a copy of the foregoing document was served on the following persons by the following means:

- 1, 2 CM/ECF
- Hand Delivery
- U.S. Mail, postage prepaid
- Overnight Delivery Service
- Facsimile
- E-Mail
- 1. Clerk, U.S. District Court
- 2. Jon Ellingson  
James P. Taylor  
ACLU of Montana Foundation  
P.O. Box 9138  
Missoula, Montana 59802